

unwind the entire bill based upon the funding of abortion that is in the Senate bill. It will be up to House Members, a number of whom are very concerned and quite fired up about this particular piece, to take this out. I know Congressman STUPAK is working to do that, wants to see that done, agrees with Senator NELSON that his language is far superior, actually does that. It is supported by the Catholic Bishops, the National Right to Life, and other pro-life groups that say the way to go is the Stupak language.

It is not what is in the Senate bill. The Senate bill will actually fund abortions. Then we go through the specifics, as I have in here, of the various places that it has. I met with Senator NELSON about those specifics. I have addressed a number of those concerns. I know he continues to work on it, but at the end of the day this is one of those babies you cannot split. You need to have the Stupak language in this bill. I am afraid at the end of the day that is not going to be in there. I know Congressman STUPAK is pushing very hard for its inclusion, and I wish him all the best.

If this legislation passes this body, it is going to be up to the House of Representatives to put in that Stupak language. And they can do it. It is my hope they will do it. I do not think the overall bill should be passed, but certainly you should not have this piece of funding in this bill, in breaking the longstanding work we have had in the Hyde agreement, in the Hyde language.

Thank you very much, Madam President. How much time do we have remaining on our side?

THE PRESIDING OFFICER. One minute.

Mr. BROWBACK. Madam President, in that concluding minute, what I would like to briefly speak about is the overall process.

I think there are people in this body who did not want to include things such as abortion funding in the bill. But when you operate in a closed process like this, these sorts of things end up happening because the people who work on these issues are excluded. I certainly was not consulted. I am not saying anyone said: Well, look, we are not going to get your vote anyway, so we do not need to have it. But if you do not want to have abortion funding in it, one should look past that and say: Let's get the people who understand and work on this issue—and we agree, we should not have it in there; that is what President Obama said; it should not be in there—and let's see what language passes by their muster.

That was not done. Unfortunately, that is part of what has happened in this process. I think it is tragic that it has happened that way in this process. I think it is wrong. I think it builds a bill that then people are not satisfied with, and certainly a process they do not agree with that takes place in this overall bill.

It is still not too late. There is still time to address these issues, now that

we have the bill to be able to look at. If people of good faith on the other side want to get these addressed, there are ways, and we have the language on how to address it. It is called the Stupak language. It has already passed the House of Representatives. It is called the Nelson-Hatch amendment that was debated here, although it was not passed. We can do that. It is important that it get done.

This bill is not supported by the American public, and particularly this funding piece that is so offensive to so many Americans. We can debate about abortion, but the government should not be funding it, and that is agreed to by over 70 percent of the American public.

I just ask my colleagues on the other side, as you move on forward with this—if this bill passes here—take this piece out. We know what language is agreed to and works. This piece can be taken out. It can be taken out yet. And I think the whole bill may unwind if it is not taken out—unwind because of a number of Democrats who voted for the bill on the House side who want the Stupak language, and they do not want the inferior language that was put in on the Senate side that will actually allow and start the funding of abortion, that we have not done for 30 years.

Madam President, I thank my colleagues and yield the floor.

Mr. GRASSLEY. Madam President, My Friend, Senator CASEY, just a few moments ago repeated the frequent claim made by members on the other side of the aisle that the health care bill provides a \$40 billion net tax cut.

As I demonstrated in a speech earlier today, this claim is inaccurate and does nothing to address the fact that millions of middle-class Americans will see a tax increase.

I have consistently given my Democratic friends credit for providing a significant benefit to help people buy insurance.

This beneficiary class, however, is small.

At the same time there are 78 million individuals, families, and single parents who will see a tax increase.

Seventy-three million of them are below \$200,000.

It is only because the subsidy for this small group is so large—and refundable—that there is a net tax benefit.

For example, the average subsidy is close to \$8,000. Around 13.2 million individuals and families receive this subsidy.

But the data also shows that there is a group of 73 million middle-class Americans who will pay on average \$710 more in taxes.

My Democratic colleagues want to say that since the cost of providing an average tax benefit of \$8,000 to 13.2 million individuals and families is greater than the revenue raised by raising the taxes on 73 million individuals and families by \$710 there is a net tax decrease.

The truth is individuals who are seeing a tax increase are not actually ben-

efiting from the very large subsidy. This is because, in general, this group isn't even eligible for the subsidy.

It comes back to this: a small group of Americans benefit under this bill. Another group of Americans pay higher taxes. These Americans include middle-income individuals and families.

Mr. HATCH. Madam President, I rise to speak on my amendment to the Reid health care bill that would add an expedited judicial review provision to the legislation. It would provide a mechanism for the courts expeditiously to handle any future constitutional challenges to this legislation.

Make no mistake. I strongly oppose this Federal takeover of our health care system. I do so for a host of important and serious policy reasons. I believe it is bad for our country, but I also oppose it because I believe some of its core provisions are unconstitutional, undermining the Constitution and the liberty that it makes possible.

I have argued for months that the constitutional problems with this legislation include the requirement that individuals obtain a certain level of health insurance and the differential State-by-State taxation of high cost insurance plans. Other scholars and commentators have argued that restrictions on the ability of insurance providers to make risk-adjusted decisions about coverage and premiums amount to a taking of private property in violation of the fifth amendment. Others have said that requiring States to pass legislation creating health benefit exchanges exceeds Congress's power in our Federal-State system.

I do not necessarily believe that each of these constitutional arguments is as substantive or as persuasive as the next. Some may agree with this one or that one, all of them, or none at all. These and other arguments, however, are real, substantive, and many of them are as yet untested by the courts because this legislation goes so far beyond anything the Federal Government has ever attempted. These and other issues very well may be the basis for litigation against this legislation. Therefore, I think it is in everyone's interest to provide a mechanism for future constitutional challenges to be handled expeditiously by the courts.

The supporters of this legislation, those who are so confident that no conceivable constitutional argument has any merit whatsoever, should be the strongest supporters of this amendment. More than anyone, they would want to eliminate as quickly as possible anything that could delay or prevent full implementation of this legislation. Frankly, I am surprised that they are not the ones offering this amendment and I hope they will support it.

Madam President, I now wish to speak about my amendment No. 3294. My amendment would ensure that all Americans would be able to keep the health care coverage they already have.